

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING A REQUEST FOR A SITE-SPECIFIC AGRICULTURAL
MANAGEMENT PRACTICE FOR MONICA AND RICK LARUE**

Mr. Stuart offered the following resolution and moved its adoption:

WHEREAS, in 2012, Monica and Rick LaRue (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Block 50, Lot 6.07 in Upper Freehold Township; and

WHEREAS, the SSAMP request asked the Monmouth County Agriculture Development Board ("MCADB" or "Board") to evaluate its forest products, firewood and imputed grazing; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), upon receipt of a request for an SSAMP, the Board must determine whether the applicant's agricultural operation is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

WHEREAS, N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3 define a commercial farm as either:

- (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, or
- (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the threshold income cannot be earned from processing or selling the production of third party farms or individuals; and

WHEREAS, the MCADB heard testimony, reviewed exhibits, and considered the Applicant's request during its April 4, 2012 and May 2, 2012 meetings with the Applicant present; and

WHEREAS, the Applicant was asked to substantiate that it produced on the farm management unit more than \$2,500 of agricultural or horticultural products within the prior calendar year; and

WHEREAS, after having considered the testimony given and exhibits presented on April 4, 2012 and May 2, 2012, the MCADB determined that the farm did not meet the definition of a commercial farm; and

WHEREAS, the applicant appealed the MCADB decision; and

WHEREAS, on June 10, 2013 the presiding Office of Administrative Law Judge, Patricia M. Kerins, asked the MCADB to consider new evidence submitted by the landowners, specifically the Schedule F that had been prepared and submitted to the Internal Revenue Service by the applicants' accounting firm; and

WHEREAS, at a hearing on August 7, 2013 the MCADB considered the new evidence in support of the income eligibility for the farm; and

WHEREAS, the applicant also revised the original SSAMP application and marked the new submission date as July 4, 2013.

THEREFORE BE IT RESOLVED, the MCADB makes the following determinations:

1. Pursuant to N.J.A.C. 2:76-2.3, upon the receipt of a request for a SSAMP, the MCADB must determine whether the agricultural operation is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3.

2. N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3 define a commercial farm as either: 1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; or 2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964.

3. The Applicant's farm is greater than five acres.

4. The Applicant has demonstrated that it has produced agricultural or horticultural products worth \$2,500 during the 2011 and 2012 calendar years based on Form 1040 Schedule F's that were submitted to the Internal Revenue Service.

BE IT FURTHER RESOLVED that based on the foregoing determinations, the Applicant's operation is a "commercial farm" as of 2011 as defined by the Right to Farm Act.

BE IT FURTHER RESOLVED that because the Applicant's operation qualifies as a "commercial farm" under the Right to Farm Act, the MCADB will evaluate the revised SSAMP application and schedule a public hearing at a subsequent

meeting.

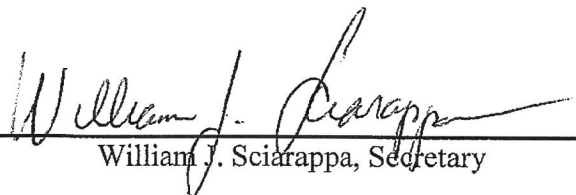
BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Applicant, the State Agriculture Development Committee, and Upper Freehold Township.

BE IT FURTHER RESOLVED that any person aggrieved by this resolution may appeal to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from the receipt of this resolution. The decision of the SADC shall be considered a final administrative agency decision. If this resolution is not appealed within 45 days, this resolution is binding.

Seconded by Mr. Bullock and approved on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Bullock	X			
Mr. Buscaglia				X
Ms. Butch	X			
Mr. Clayton			X	
Mr. DeFelice	X			
Mr. Foster	X			
Mr. Giambrone				X
Mr. Holmes	X			
Mr. McCarthy	X			
Mr. Potter		X		
Mr. Stuart	X			

I do hereby certify that the foregoing is a true copy of a resolution adopted by the Monmouth County Agriculture Development Board at a meeting on the 7th of August, 2013 and memorialized at a meeting on the 2nd of October, 2013.



William J. Sciarappa, Secretary